

INTERGOVERNMENTAL AGREEMENT BETWEEN THE
STATE OF ARIZONA
AND
CITY OF PHOENIX

16A 83-06

PROJECT NO. M 502-8 (3)
NORTHERN AVENUE
FUND CODE: 8536G

THIS AGREEMENT, entered into this *14th* day of *June*, 1983, pursuant to Arizona Revised Statutes, Section 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE" and CITY OF PHOENIX a body politic and corporate, hereinafter called "LOCAL AGENCY".

WHEREAS, STATE is empowered by Arizona Revised Statutes, Section 28-108 to enter into this Agreement, and

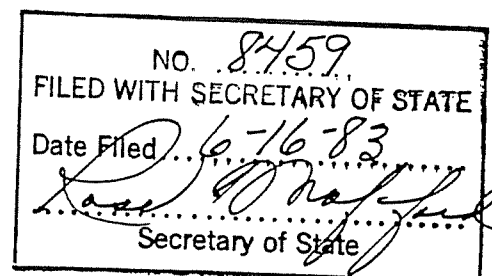
WHEREAS, LOCAL AGENCY is empowered by Arizona Revised Statutes, Section 11-951 through 11-954 to enter into this Agreement, and

WHEREAS, Congress has authorized appropriations for, but not limited to, the construction of streets; primary, feeder and farm to market roads; the replacement of bridges; the elimination of roadside obstacles; the application of pavement markings, and

WHEREAS, such project within the boundary of LOCAL AGENCY has been selected by LOCAL AGENCY and the field survey of the project has been completed and the plans, estimates and specifications prepared and, as required, submitted to the Federal Highway Administration for its approval, and

WHEREAS, LOCAL AGENCY, in order to obtain Federal funds for the construction of the project hereinafter mentioned, is willing to provide the STATE with LOCAL AGENCY funds to match Federal funds in the ratio required or as finally fixed and determined by the Federal Highway Administration, and

WHEREAS, the primary interest of the STATE in the project is in the acquisition of Federal funds for the use and benefit of LOCAL AGENCY by reason of Federal Law and Regulations under which funds for the project are authorized to be expended, and



WHEREAS, the work embraced in this Agreement and the estimated cost is as follows: Reconstruct and widen Northern Avenue between 43rd Avenue and 35th Avenue.

Estimated Cost	\$1,800,000
Federal funds @ 92.7% of \$1,400,000=	1,297,800
City Funds	538,200 *

AGREEMENT: * Includes \$400,000 in nonfederal-aid work and includes the 2% surcharge on estimated cost as per Chief Deputy State Engineer memo of 2-2-82.

ARTICLE I

IN CONSIDERATION of the covenants of LOCAL AGENCY hereinafter contained and the faithful performance thereof, STATE agrees:

1. To submit a program containing the aforementioned project to the Federal Highway Administration with the recommendation that it be approved for construction and that if such project is approved for construction by the Federal Highway Administration and the funds are available for the construction of said project, STATE, with the aid and consent of the Federal Highway Administration will proceed to advertise for, receive and open bids, and subject to the concurrence of the Federal Highway Administration and LOCAL AGENCY, award the contract, enter into a contract with the firm to whom the award is made for the construction of the project, such project to be performed, completed, accepted and paid for in accordance with the requirements of the Standard Specifications for Road and Bridge Construction of the Highways Division, Arizona Department of Transportation, will enter into a Project Agreement with the Federal Government covering the work embraced in the said contract or in the said Agreement and will request the maximum Federal funds available.

2. To furnish LOCAL AGENCY with copies of the proposed Project Agreement to be entered into by the STATE and the Federal Government and any Railroad Company Agreement necessary for the full completion of this project.

3. To provide personnel to supervise the construction, such personnel to be acceptable to LOCAL AGENCY.

ARTICLE II

IN CONSIDERATION of the covenants of STATE hereinbefore contained and the faithful performance thereof, LOCAL AGENCY agrees:

1. To acquire without cost to STATE, the necessary right-of-way and material sites and hereby certifies that all rights-of-way have been obtained and all necessary material sites have been acquired.

2. To remove from the proposed right-of-way all obstructions or unauthorized encroachments of whatever nature, either above or below the surface of the roadway, and hereby certifies that all obstructions and encroachments have been removed therefrom.

3. Not to permit or allow any encroachments, except those authorized by permit, upon, or private use of, the right-of-way, and in the event of any unauthorized encroachment or improper use, shall take all necessary steps to remove or prevent any such encroachment or use; failing in which STATE shall have the right to proceed with the removal or prevention thereof, the cost of such removal or prevention to be borne by LOCAL AGENCY.

4. Upon completion of construction, to provide for at its own cost and as an annual item in its budget, proper maintenance; such maintenance to include, but not be limited to, traffic signals, signs, islands, curbs and markings necessary for the purpose of regulating, warning, and guiding traffic.

5. To mark and sign school crossings and railway-highway grade crossings in accordance with the requirements of the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.

6. By such regulation as it may by ordinance provide, to regulate parking and not permit vehicles to be left on the street in any manner other than at the curb and parallel thereto and to restrict parking so as to prevent conflicts with moving traffic at intersections and at such other locations as necessary.

7. To deposit with STATE, prior to the solicitation of bids, funds in the amount determined by STATE to be necessary to match Federal funds in the ratio required.

ARTICLE III

IN CONSIDERATION of the premises, it is mutually agreed:

1. That any part of the sum of the amount deposited by LOCAL AGENCY, as stipulated in ARTICLE II, remaining after LOCAL AGENCY'S pro rata share of the cost, as finally fixed and determined by the Federal Government, has been paid, shall be forthwith returned to LOCAL AGENCY by STATE;


2. That upon approval of the terms and conditions of the Project Agreement and any State-Railroad Company Agreement by any LOCAL AGENCY, the agreements shall be incorporated in and made a part of this Agreement by reference and shall have the same force and effect as though fully written herein; and further, that the LOCAL AGENCY is bound by all the terms of any State-Railroad Company Agreement and will reimburse the STATE for the amount contracted for by and between the Railroad Company and STATE acting as agent for LOCAL AGENCY.

32050

CONTRACT NO. M 502-8(3)

FUND CODE 8536G

APPROVED AS TO FORM and within the powers and
authorities granted to the City of Phoenix, under the
laws of the State of Arizona.


ACTING City Attorney



OFFICE OF THE
Attorney General

TRANSPORTATION DIVISION
1275 WEST WASHINGTON
PHOENIX, ARIZONA 85007
(602) 255-1680

ROBERT K. CORBIN
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 83-296, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. Sec. 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 24th day of May, 1982³

ROBERT K. CORBIN
Attorney General

Albert Morgan
Assistant Attorney General
Transportation Division

GREEN — CITY CLERK
 WHITE — CITY ATTORNEY
 BLUE — CITY MANAGER
 PINK — ACCOUNTS NOTIFICATION
 CANARY — DEPARTMENT NOTIFICATION
 BUFF — DEPARTMENT FILE COPY

CITY OF PHOENIX, ARIZONA

REQUEST FOR COUNCIL ACTION

ALL RCA'S MUST BE IN THE CITY MANAGER'S OFFICE BY NOON ON THE TUESDAY, SEVEN DAYS BEFORE THE FORMAL CITY COUNCIL MEETING WITH ALL REQUIRED SIGNATURES. COMPLETE THIS FORM PER M.P. 1.906

1. To the City Manager:

DATE April 27 19 83THE FOLLOWING COUNCIL ACTION IS HEREBY REQUESTED: ☐ ORDINANCE ☐ RESOLUTION ☒ FORMAL ACTION.**MAJOR STREET PROJECT****AGREEMENT WITH STATE OF ARIZONA****NORTHERN AVENUE, 35TH AVENUE-43RD AVENUE****P-750163 - STATE MS02-8(3)**

Request to authorize the City Manager to enter into a construction agreement with the State of Arizona, through the Department of Transportation, for the major street improvements to Northern Avenue from 35th Avenue to 43rd Avenue including a 12" water main and a sanitary sewer. This is a Federal-aid project with the Department of Transportation supervising both bidding and construction. The estimated cost is:

Total Construction Cost	\$1,800,000
Estimated Federal Funds	1,297,000
Estimated City Funds (including water, wastewater, paving, and administrative costs)	503,000

Construction of the water main and sanitary sewer will be paid totally from City funds.

CONCUR:

Max T. Palmer
 Max Palmer, Water & Wastewater Director

Bid Bond (Surety) Required?

☐ Yes ☒ No

3. Bond submitted by low bidder?

☐ YES ☒ NO

4. Performance Bond (Surety) Required?

\$

5. SOURCE OF FUNDS

SEE REVERSE SIDE FOR BREAKDOWN AND SOURCES OF FUNDS

INDEX CODE SUBJECT PROJECT

☒ BUDGETED ☐ SUPPLEMENTAL ☐ CONTINGENCY

12. Recommended by:

Department/
FunctionEngineering/DesignDivision Head
Signature/s/ DAVID C. OLIVERDeputy City EngineerDepartment Head
Signature/s/ J. L. ATTEBERY

6. Emergency Clause?

☐ YES ☒ NO

7. Requested by:

Phone #

1983

8. WP Document #

1983

9. Desired Agenda Date:

1983

14. Approved:

1983

10. Formal contract required?

☐ Yes ☒ No

Previous contract #

11. Council action taken:

Formal action:

Approval Request

RESOLUTION NO.

ORDINANCE NO.

DATE

5/10

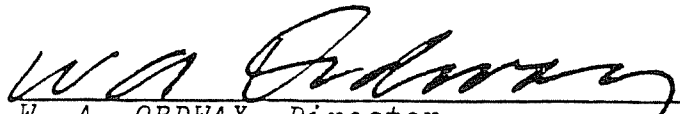
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R E S O L U T I O N

Be it resolved on this, the 21st day of April, 1983, that I, W. A. ORDWAY, as the Director, Arizona Department of Transportation, have determined that pursuant to A.R.S. 28-108, it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through its Highways Division, enter into an intergovernmental agreement with the CITY OF PHOENIX for Project M 502-8 (3) Northern Avenue (43rd Avenue-35th Avenue).


W. A. ORDWAY, Director
Arizona Department of Transportation

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